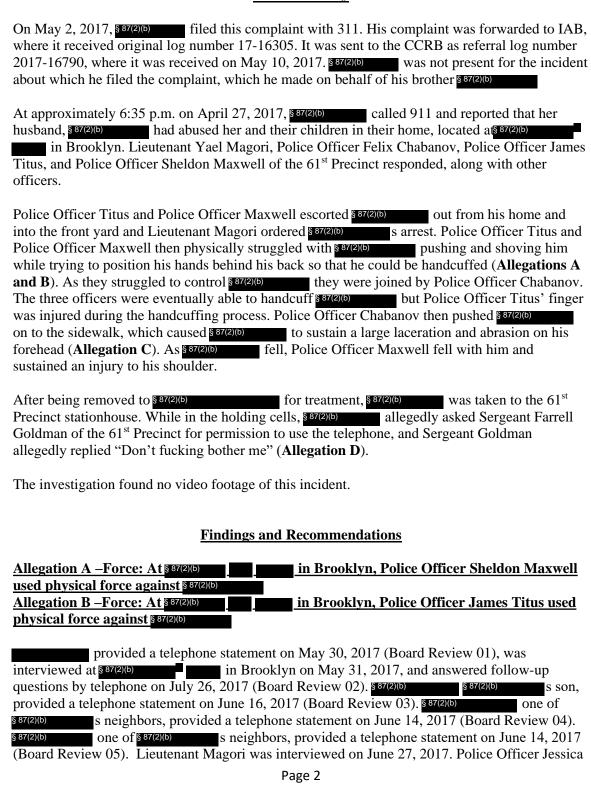
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	✓ For	rce	<u> </u>	Discourt.	
Matthew Chaves								
Mattnew Chaves		Squad #2	201703697	☐ Ab	use		O.L.	☑ Injury
Incident Date(s)		Location of Incident:		Prec	inct:	18	Mo. SOL	EO SOL
Thursday, 04/27/2017 6:35 PM		§ 87(2)(b) Stationhouse	61st Precinct	6	1	10	/27/2018	10/27/2018
Date/Time CV Reported		CV Reported At:	How CV Reported:	Dat	te/Time	Rece	eived at CC	RB
Tue, 05/02/2017 12:00 PM		Other City agency	E-mail	We	d, 05/10	0/201	7 10:56 Al	M
Complainant/Victim	Type	Home Addre	ess					
Witness(es)		Home Addre	ess					
Subject Officer(s)	Shield	TaxID	Command					
1. POM James Titus	03128	947544	061 PCT					
2. POM Sheldon Maxwell	23090	960089	061 PCT					
3. POM Felix Chabanov	30733	953739	061 PCT					
4. SGT Farrell Goldman	03520	940256	061 PCT					
Witness Officer(s)	Shield No	o Tax No	Cmd Name					
1. POM Daniel Miller	24599		061 PCT					
2. POF Jessica Saitta	03064		061 PCT					
3. POF Rebecca Coogan	03220		060 PCT					
4. POM James Sledge	06190	959251	061 PCT					
5. LT Yael Magori	00000	942099	061 PCT					
Officer(s)	Allegatio	n			Inve	stiga	tor Recor	nmendation
A.POM Sheldon Maxwell	Force: At Sheldon M	§ 87(2)(b) i Maxwell used physical i	in Brooklyn, Police (force against § 87(2)(b)	Officer				
		us used physical force	in Brooklyn, Police (against § 87(2)(b)	Officer				
C.POM Felix Chabanov	Force: At Felix Cha	§ 87(2)(b) ibanov used physical fo	in Brooklyn, Police (arce against § 87(2)(b)	Officer				
D.SGT Farrell Goldman		sy: At the 61st Precinct oldman spoke discourte		ant				

Case Summary



Saitta of the 61st Precinct was interviewed on June 27, 2017. Police Officer Chabanov was interviewed on June 27, 2017. Police Officer Maxwell was interviewed on August 3, 2017. Police Officer Titus was interviewed on August 3, 2017. Police Officer James Sledge of the 61st Precinct was interviewed on August 16, 2017. Police Officer Daniel Miller of the 61st Precinct was interviewed on August 18, 2017. Police Officer Rebecca Coogan of the 61st Precinct was interviewed on August 31, 2017. Police Officer Daniel Miller of the 61st Precinct was interviewed on August 18, 2017. Sergeant Goldman was interviewed on January 10, 2018.

It is undisputed that officers arrived at the incident address after receiving a report of a family assault. When the officers arrived, the \$87(2)(b) family was gathered in the living room, and multiple young children were crying and screaming. Lieutenant Magori directed Police Officer Saitta and Police Officer Miller to take the younger children into the kitchen, and Police Officer Titus and Police Officer Maxwell to take \$87(2)(b) out of the house. She initially remained inside with Police Officer Chabanov and spoke to \$87(2)(b) However, when she heard \$87(2)(c) arguing with officers outside, she went to the front door of the house to see what was happening. She then issued an order for Police Officer Titus and Police Officer Maxwell to arrest Both Police Officer Titus and Police Officer Maxwell grabbed \$87(2)(b) and wrestled with him. The officers tried to handcuff \$87(2)(b) but were initially unable to.

s demeanor and behavior over this portion of the incident is disputed. In his sworn statement, \$87(2)(6) described officers ordering him to sit down and that he refused to do so. He denied receiving any other verbal warnings or commands from officers prior to them making physical contact with him. Rather, Lieutenant Magori issued a command, and other officers then began trying to handcuff him. He denied resisting the officers' attempts to place his hands behind his back, and stated that he repeatedly told officers that he was physically unable to assume this position due to a preexisting spinal injury that limited his mobility. Officers twisted his arms behind his back, however, and then pushed him so that the front of his body and face made contact with the front wall of the house. This allegedly caused him to lose consciousness, and he was unable to provide an account of the rest of physical altercation or further details about how he came to be up against the wall. When he regained consciousness, he was laying on his right side on the sidewalk, with his hands handcuffed behind his back.

In both his phone statement and sworn statement, \$\(\) described Lieutenant Magori issuing a command that involved a number. He did not recall the command in detail, remember the number that Lieutenant Magori spoke, or allege that Lieutenant Magori used profanity at this point. In his phone statement, \$\(\) alleged that Lieutenant Magori commanded other officers to "Code 93 this motherfucker" in reference to \$\(\) \$\(\) (*\) Since the victim himself did not make any such allegation despite accounting for the general context in which it was contained, no discourtesy allegation has been pled in regards. Furthermore, \$\(\) (*\) (*\) alleged than an officer "threw" his father's phone to the ground while \$\(\) (*\) (*\) (*\) described an officer simply placing it down. No allegation is therefore pleaded in regards.

described \$87(2)(b) as "totally compliant" as the officers escorted him outside.

who at that point remained inside the house, heard \$87(2)(b) and officers then begin to argue loudly outside the house. \$87(2)(b) and Lieutenant Magori then both went to the front door of the house, and Lieutenant Magori commanded the other officers to arrest \$87(2)

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Officers grabbed \$87(2)(b) s arms and twisted them behind his back. \$87(2)(b) called out that he physically could not put his arms behind his back due to his spinal injury. The officers were able to get his hands behind his back; however, in doing so they broke one of the screws that \$87(2)(b) had in his neck to treat his spinal injury \$87(2)(b) learned of this re-injury at an unspecified point after the incident).
The officers then pushed \$87(2)(b) up against the front wall of the house, causing his face to hit the window sill. When \$87(2)(b) s body made contact with the wall, \$87(2)(b) heard a loud "bang" and \$87(2)(b) started yelling "I told you I have a surgery, I can't do this." and then started cursing repeatedly. Officers then handcuffed \$87(2)(b) with his hands behind his back. They put \$87(2)(b) in handcuffs while he was still inside the front yard. Two white male officers gripped \$87(2)(b) s arms, each with two hands. They "dragged" \$87(2)(b) through the yard, pulling him over "a couple" of patio chairs. \$87(2)(b) described this struggle as making it appear as though \$87(2)(b) was kicking the chairs, but specified that he believed that \$87(2)(b) was not intending to do so. \$87(2)(b) never saw \$87(2)(b) try to pull his arms away from any officer or try to kick or hit any officer over the course of the incident.
was standing on her front porch, located directly across from the incident address and elevated approximately four feet above ground level, when she observed interact with officers. She observed and multiple officers walking down the front steps, through the front yard, and out on to the sidewalk. The officers did not talk to \$87(2)(b) and outside of his home. The officers and \$87(2)(b) are "jostling" but \$37(2)(b) are
was standing on the front steps of his house, which is directly adjacent and physically connected to \$87(2)(b) when he observed a portion of this incident. He observed multiple male officers come out of the incident address along with \$87(2)(b) The officers argued with \$87(2)(b) for a few minutes, during which time the officers tried to ask him questions and he would curse at them in response. Officers tried to put handcuffs on \$87(2) but he "pushed" all of them and tried to avoid being handcuffed. He did not appear to attempt to strike any of the officers. The officers tried to "catch" him, and pushed his head into the wall of the house near the front door. The officers and \$87(2)(b) then walked out of the front yard to the sidewalk.
The investigation obtained \$87(2)(b) s medical records from this incident from the FDNY, \$87(2)(b) , and \$87(2)(b) . According to the Prehospital Care Report Summary prepared by the responding EMTs, \$87(2)(b) was found lying on the ground in police custody with a "head injury." Unspecified officers told the EMTs that \$37(2)(b) had been injured while being restrained. \$87(2)(b) was "aggressive and uncooperative" towards officers and the EMT crew, to the point where the police were unable to loosen his handcuffs as he appeared to be a "threat" to EMTs and officers. He had swelling and bleeding to the left side of his forehead.

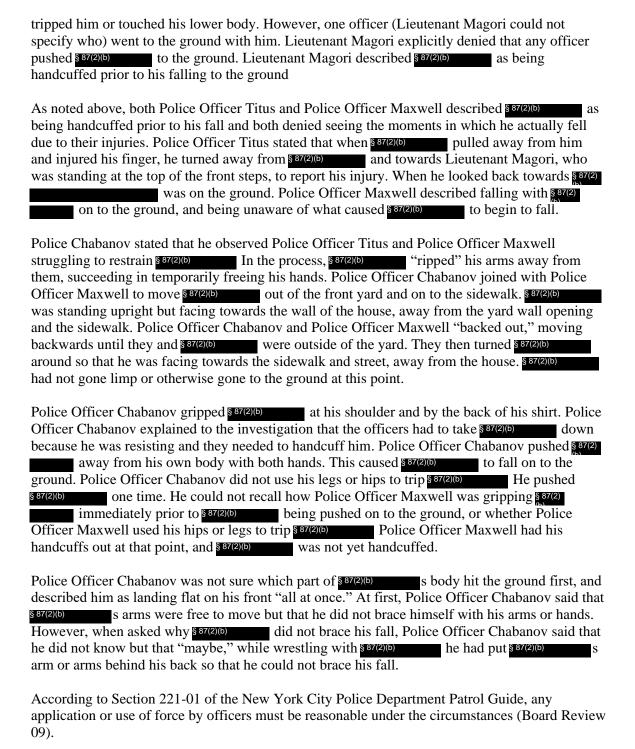
During triage at \$87(2)(5)
According to Lieutenant Magori, Police Officer Chabanov, Police Officer Maxwell, and Police Officer Titus, \$\frac{87(2)(0)}{2}\$ was visibly upset during the officers' arrival. When he was escorted outside, \$\frac{87(2)(0)}{2}\$ refused to answer officers' questions, repeatedly tried to use his cellphone against officer's commands, and eventually "chest-bumped" Police Officer Titus twice. It was this physical action that prompted Lieutenant Magori to order \$\frac{87(2)(0)}{2}\$ s arrest. When Police Officer Titus and Police Officer Maxwell then tried to handcuff \$\frac{87(2)(0)}{2}\$ he resisted by pulling his arms away from them. Police Officer Titus and Police Officer Maxwell then grabbed his upper body and arms in an attempt to control him, and began to move him towards the wall of the house.
According to Lieutenant Magori and Police Officer Chabanov, Police Officer Titus and Police Officer Maxwell were briefly able to get \$87(2)(6) up against the house wall before he kicked or pushed himself off of it. However, according to Police Officer Titus and Police Officer Maxwell, \$87(2)(6) s torso and head never made contact with the wall. Rather, as he was pushed towards the wall, \$87(2)(6) used one of his feet to brace against and then push off of the wall, moving himself and the officers backwards. He also kicked at furniture in the front patio and yard. According to all of the officers, Police Officer Chabanov then joined Police Officer Titus and Police Officer Maxwell in attempting to restrain \$87(2)(6)
According to Police Officer Titus, it was at approximately this point that he (Police Officer Titus) sustained an injury. While he was able to handcuff at this point, sometimes of the handcuffs to engage in an atypical position and pinch Police Officer Titus' hand and pinky finger. Police Officer Titus effectively became caught and attached to stepped or lunched forward, pulling the handcuffs off of Police Officer Titus' hand. This caused sufficient damage to Police Officer Titus' hand that a scar would eventually form, and the pain led Police Officer Titus to believe, in the moment, that his finger was broken. He called out that his finger was broken, and did not make further physical contact with sometimes of Police Officer Titus calling out that his finger was broken.) Line of Duty paperwork filed by Police Officer Titus (Board Review 07) shows that after this incident, he was transported to strong the make further physical contact and treated for a hand injury.

According to Police Officer Maxwell, as Police Officer Titus said that his finger was broken, then started to fall. Due to \$87(2)(b) s size, Police Officer Maxwell and Police Officer Chabanov "went with him." Police Officer Maxwell fell to \$87(2)(b) s right side, hit his shoulder on either the yard wall or the ground, and sustained a shoulder injury that required medical treatment. Police Officer Maxwell said that due to the chaotic nature of what happened, he was not sure whether this injury was from twisting or other positional stress during the fight or due to the impact of the fall. Line of Duty paperwork filed by Police Officer Maxwell (Board Review 07) shows that after this incident, he was transported to \$87(2)(b) and treated for a shoulder injury.
TRIs were prepared in regards to this incident by Police Officer Chabanov, Police Officer Maxwell, and Police Officer Titus (Board Review 14). All three officers indicated that physically resisted arrest, and that physical force (including a forcible takedown) was used to restrain and arrest him.
According to the audio of the 911 call that prompted this incident, \$87(2)(b) reported that her husband had been "abusing" both her and her daughters (Board Review 08).
According to Section 208-36 of the New York City Police Department Patrol Guide, when officers respond to a report of domestic violence, have probable cause that an offense has been committed, and the offender is present, the officers are required to arrest the offender (Board Review 10). According to Section 221-01 of the New York City Police Department Patrol Guide, any application or use of force by officers must be reasonable given the need to overcome resistance and effect an arrest (Board Review 09).
§ 87(2)(g)
§ 87(2)(g)

Allegation C –Force: At § 37(2)(b) in Brooklyn, Police Officer Felix Chabanov used physical force against § 37(2)(b)
It is undisputed that, over the course of the physical struggle, was moved from within the confines of the incident address' front yard out on to the public sidewalk, where he fell, face first, and struck his head on the pavement. This impact caused a laceration and an abrasion to his forehead (Board Review 15) and, approximately two weeks after the incident, he was treated for a brain clot (Privileged Documents 01).
The main dispute in this allegation is whether \$87(2)(b) was handcuffed at the time he fell to the ground and, if he was, whether Police Officer Chabanov was aware of this.
As noted above, sazely explained to the investigation that he lost consciousness due to the impact with the house wall, and was unable to provide a narrative regarding how he came to be laying on the sidewalk.
stated that as the officers "dragged" \$87(2)(b) away from the house wall, he appeared to be trying to "catch his balance." \$87(2)(b) was not walking under his own power at this point, but rather being moved by the officers. The officers opened the yard's gate and immediately one or two of them threw \$87(2)(b) on the ground. When asked to further describe this throw, \$87(2)(b) was able to provide the following details: prior to the throw, the officer had been standing to \$87(2)(b) s s side, with a grip under \$87(2)(b) s left arm and a grip on \$87(2)(b) s shirt. \$87(2)(b) was hunched over and appeared to be trying to "catch his balance." The officer then pushed \$87(2)(b) away from himself. \$87(2)(c) was fully handcuffed with his hands behind his back at this point. \$87(2)(b) fell and the first part of him to strike the ground was the left side of his forehead. His head landed where the sidewalk and the street meet (the curb).
stated that, once the officers and \$87(2)(b) reached the sidewalk in front of the house, \$67(2)(b) was either pushed or fell down on to his front. \$687(2)(b) did not know how he came to be on the ground, if an officer hit him or pushed him, or if he slipped or tripped. Prior to him falling down, \$687(2)(b) saw officers pushing him at his shoulders, but she did not believe that these pushes would have been sufficient to cause him to fall. Once he was on the ground, \$687(2)(b) began to visibly bleed from his forehead. An officer then handcuffed him. \$687(2)(b) was conscious at this point, and saying "I'm dizzy, I'm dizzy."
stated that after \$37(2)(b) s head struck the wall, he remained standing. The officers repeatedly tried to put handcuffs on him, but he was "not cooperating," repeatedly trying to pull his arms away from the officers. Two of the officers pushed \$37(2)(b) to the ground so that he fell on to his face. The officers then put handcuffs on \$37(2)(b)
According to Lieutenant Magori, once the officers and \$87(2)(b) reached the sidewalk outside of the yard, \$87(2)(b) "threw himself on to the" sidewalk. Lieutenant Magori described this action as "the most awkward and unnecessary thing I've seen." When asked for clarification, she

for him to trip on, and Lieutenant Magori did not see his feet catch or trip on anything. No officer Page 7

said that \$87(2)(b) threw all of his body weight forward "like a madman." There was nothing



§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
Allegation D –Discourtesy: At the 61 st Precinct stationhouse, an officer spoke discourteously to § 87(2)(b)
In his sworn statement and a follow-up telephone statement, \$87(2)(b) alleged that, after being treated at Maimonides and transported to the 61st Precinct stationhouse, he spoke to an officer about using the telephone. This officer allegedly replied "Don't fucking bother me." \$87(2)(b) described this officer as being named "Sergeant Goldenburg" based on seeing the officer's nametag, and was identified by the investigation as Sergeant Goldman. \$87(2)(b) also described speaking to "Officer Miller," identified by the investigation as Police Officer Miller, during his time in the holding cell.
Sergeant Goldman, who was assigned as the desk officer in the 61 st Precinct at the time alleged that this interaction occurred, did not have any recollection of about the telephone or any other subject.
Police Officer Miller acknowledged speaking to \$87(2)(b) in the holding cells of the stationhouse, but denied witnessing any officer use profanity towards him.

According to Section 203-09 of the New York City Police Department Patrol Guide, officers must be courteous and respectful in their interactions with the public (Board Review 06).

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87(2)(g)	
	Civilian and Officer CCRB Histories
•	This is the 5 th CCRB complaint involving §87(2)(b) (Board Review 11). §87(2)(b)
•	This is the first CCRB complaint involving §87(2)(b) (Board Review 12)
•	Police Officer Chabanov has been a member of the NYPD for four years. He has had four
	previous allegations in two cases, with no substantiated allegations. § 87(2)(9)
•	Police Officer Titus has been a member of the NYPD for nine years. He has had 25
	previous allegations in 10 previous cases, with no substantiated allegations. §87(2)(9)
•	Police Officer Maxwell has been a member of the NYPD for two years, and this is the
_	first CCRB complaint that he has been involved in. Sergeant Goldman has been a member of the NYPD for 12 years. He has had five
•	previous allegations in five previous cases, with no substantiated allegations. § 87(2)(9)
	previous unegations in five previous cases, with no substantiated unegations.
	
	Mediation, Civil and Criminal Histories
_	Due to \$87(2)(b) s arrest this case was unsuitable for mediation.
	A request for any Notice of Claim filed in regards to this incident has been submitted to
•	the New York City Comptroller's Office and the results will be added to the case file
	upon receipt.
•	has no criminal conviction history (Board Review 13). §87(2)(b)

Squad No.: 2			
Investigator:	Signature	Print Title & Name	Date
Squad Leader:	Signature	Print Title & Name	Date
Reviewer:	Signature	Print Title & Name	Date